IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2184 of 2003

For Approval and Signature:

Hon'ble MR.JUSTICE D.A.MEHTA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

PATAN JILLA PRATHMIK SHIKSHAK SANGH

Versus

DISTRICT EDUCATION COMMITTEE

Appearance:

1. Special Civil Application No. 2184 of 2003

MR KB PUJARA for Petitioner No. 1-2

MR HS MUNSHAW for Respondent No. 2

Mr.H.D.Dave, AGP for Respondent Nos.1,3, 4 & 5.

CORAM : MR.JUSTICE D.A.MEHTA

Date of decision: 07/07/2003

ORAL JUDGEMENT

Heard Mr. K.B.Pujara, learned Advocate for the

petitioners, Mr. H.D. Dave, learned AGP appearing on behalf of the respondent nos.1, 3, 4 and 5 and Mr. H.S.Munshaw, learned Advocate for the respondent no.2..

2. Rule. Mr. H.D.Dave learned AGP waives service on behalf of the respondent nos.1, 3, 4 and 5 while Mr. H.S.Munshaw waives service on behalf of the respondent no.2.

3. In the light of the statement made by Mr. Dave, learned AGP under instructions from the respondent no.5-authority, it is not necessary to set out the facts or the respective contentions in detail. The petitioners have challenged the impugned order dated 30th January, 2003 at Annexure "L" and the consequential order dated 11th February, 2003 at Annexure "M". Mr. Dave, learned AGP states that the respondent no.5 shall grant a hearing to the petitioners. In the circumstances, the orders at Annexures "L" and "M" dated 30th January,2003 and 11th February, 2003 respectively are required to be quashed and set aside, and are accordingly quashed and set aside. The authority, namely, Development Commissioner shall give full and proper opportunity to the petitioners and pass necessary order in accordance with law. In the circumstances, the petition stands allowed. Rule is made absolute.

(D.A.Mehta,J.)

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